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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,	)	Magistrate Docket No. 08 MJ 07 12
Plaintiff,	)	CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
	)	COMPLAINT FOR VIOLATION OF:
v.	)	BY CF DEPUTY
	)	Title 8, U.S.C., Section 1326
Sergio MORA,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **March 5, 2008** within the Southern District of California, defendant, **Sergio MORA,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF **MARCH, 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

AUSA [handwritten initials]

CONTINUATION OF COMPLAINT:
Sergio MORA

PROBABLE CAUSE STATEMENT

On March 5, 2008 Border Patrol Agent S. Fernandez was performing assigned patrol duties in the Brown Field area of operations. At approximately 6:40 AM Agent Fernandez was alerted to possible alien traffic, by an infrared scope operator, in a parking lot behind the TC Worthy store. This area is located approximately 50 yards north of the international border with Mexico and approximately 100 yards west of the port of entry at Tecate, California.

Agent Fernandez proceeded to the lot and observed three individuals trying to hide behind some cars. Agent Ferndandez approached the individuals and identified himself as a Border Patrol Agent. He then performed an immigration inspection. All three, including one later identified as the defendant **Sergio MORA**, admitted to being citizens of Mexico illegally present in the United States. Agent Fernandez placed them under arrest and they were transported to Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 7, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.